

# **Lake Camp Road Stakeholder Meeting**

## **August 20, 2008**

### **Meeting Notes**

#### **In attendance:**

Jeff Austin, ME Municipal Association  
Charles Baeder, Belgrade Reg. Cons. Alliance  
Bill Bell, ME Assoc. of Conservation Districts  
Barbara Berry, Maine Association of Realtors  
Kristin Feindel, Maine DEP  
Larry Fleury, Pattee's Pond Assoc.  
Bill Gannon, 13<sup>th</sup> Street Road Assoc.  
Wendy Garland, Maine DEP  
Jim Hart, China Region Lakes Alliance  
Amy Hudnor, LURC

Peter Kallin, Belgrade Reg. Cons. Alliance  
Keith Kanoti, Maine Forest Service  
Jack Kelley, 13<sup>th</sup> Street Road Assoc.  
Bill Laflamme, Maine DEP  
Richard Nass, Maine State Senate  
Maggie Shannon, Congress of Lake Associations  
Clyde Walton, 30 Mile River Watershed Assoc.  
Barb Welch, Maine DEP (moderator)  
Don Witherill, Maine DEP

#### **1. Discussion of Funding Sub-committee Progress**

- The Funding Sub-committee met on August 7, 2008 and discussed many of the funding ideas brainstormed from the whole committee. Several ideas were discarded since it was not believed they would be approved due to the current lack of funds at the state level. Other ideas were thought to need more exploration or had not been discussed due to time constraints. See sub-committee notes and summary table for more detailed information on the meeting and the ideas that were discarded.
- Jeff pointed out that several options were viewed as good, solid ideas but they were ruled out because it was assumed that the legislature would not support new general fund expenditures. He suggested that we make this point very clear in the report. Senator Nass agreed that we were operating under a correct assumption about the legislature. However, he encouraged the group to be patient and figure out what we want because long term efforts with broad stakeholder support can eventually pay off.

#### **2. Further Discussion of Most Promising Funding Ideas** – It was noted that a sustainable source of funding is needed and this may be a combination of several possible funding sources. The following possible funding sources are the ideas that were determined by the Funding Sub-committee as warranting further exploration or discussion and were discussed at this meeting.

- Create a bond for lakes. As discussed by the sub-committee, a bond could generate significant money for road improvement program, but would require a significant effort to get on the ballot.
  - It was noted that promoting the bond as “Protecting Lakes” versus “Stormwater Pollution Control” would be preferred since stormwater is viewed as controversial for many people. Lake protection would fare better politically.
  - Senator Nass pointed out that legislative committees are most supportive of bonds with significant federal matching funds (as high as 12:1). Although there is probably not a federal match component available, a bond should be crafted to demonstrate the local match that would be generated by the bond (similar to the LMF structure). An estimated match amount would need to be determined.

- The bond proposal would need to include an estimate of the overall cost and timeline that would be needed to make significant strides with the camp road issue. This would require a GIS analysis (to pull out logging roads, private roads outside lake watersheds etc.) and DOT cost estimates for road upgrades.
- *The group decided this was an idea to pursue further.*
- Encourage towns to adopt private roads once brought up to standards.
  - This option would provide landowners with an incentive to fix roads, many towns have the staff and equipment to attend to road maintenance, and some towns are already going this route. It was added that this would give needed resources to camp road owners.
  - Concerns are whether towns would be interested in adopting more roads, if towns would do a better job with maintenance, if landowners would be interested in losing control of their roads, and whether this process would be too cumbersome.
  - Other concerns are whether landowners could afford to meet the road standards (in particular, road width has been an issue in Acton, where this is already occurring) and if they would be willing to lay out the initial amount of money. Towns would need to ease the standards required for new public roads to make this option feasible.
  - Towns would need incentive to adopt camp roads. Water quality protection is one resulting benefit, but they would need funds to offset increased costs as well. A possible town incentive could be to change revenue sharing distribution – though this is a very controversial topic. Currently, towns receive state support of ~\$600/mile of public road for maintenance, while the MDOT estimate for camp road maintenance is at least \$2000/mile.

### 3. Other Funding Ideas

- Dedicate % shorefront taxes to water quality improvement work. This topic was discussed at the funding sub-committee meeting and was an area lacking consensus as to whether to pursue or not.
  - While this would generate a large amount of funds that could be dedicated to fixing local problems, there are concerns about how this reduction of town funds would be dealt with and whether this would result in higher taxes or a re-order of tax priorities. If this was a legislative mandate for all towns, a 2/3 majority vote would be needed in the legislature and the state may need to provide towns with 50% of mandated cost. Carl Snow has since brought this idea to the attention of Senator Perry, the Chair of the Taxation Committee.
  - Senator Nass pointed out that many towns already contribute significant funds to local lake protection efforts.
  - *The group decided this was not an idea for the committee to recommend. However, Don pointed out that individuals or organizations may still independently pursue this or other options.*
- There was not enough time to discuss the following options:
  - Authorize/encourage towns to help fix roads with documented erosion problems.
  - Encourage the formation of Watershed Districts.

- Create voluntary special assessment district for road users to pay fee – SWCDs or town improve and/or maintain road (CA model).
4. **Additional Ideas** – The following ideas were discussed as other items that would encourage landowners and road associations to fix problems on their roads.
- Assist and strengthen road associations – Give road associations more statutory power to fix and maintain beyond the road surface (such as ditches and culverts). Road associations often don't know about resources available and are concerned about legal issues. Increasing outreach to road associations, clearing up some of the "legal holes" if possible so the road associations don't have to pay for a lawyer individually, linking road associations to COLA or MARA, and having some sort of road association training are all ideas that were mentioned. *Assisting and strengthening road associations is something the group recommends. We will review and pursue the specific recommendations that Bill Gannon provided during the meeting.*
  - Increase DEP enforcement of chronic camp road erosion problems through the Erosion and Sedimentation Control Law. The law requires compliance for watersheds of Lakes Most at Risk by 2005 and statewide by 2010, but has not been enforced on camp roads. By choosing a few high profile cases of chronically eroding camp roads for enforcement, fixing up other eroding roads would be encouraged. Fines could possibly go to a Lake fund, though not to DEP. Such type of enforcement though might jeopardize volunteer watershed survey efforts. Also, enforcement would be an issue, given the current issues of lack of enforcement of other laws. Who would get cited (i.e. who owns and who is responsible for the road) is another issue. It was noted that such enforcement should include state, town, and private roads. Don will discuss this further with DEP Enforcement & Field Services staff and report back to the group.
  - Clarify constitutional issue. At the group's July meeting, Amy Mills from the AG's office provided some preliminary thoughts about the constitutionality of using public funds to fix roads for the purpose of lake protection. However, Don has not received a final opinion yet. As the group narrows down the ideas, we will need to pose these questions to the AG's office. Don said he would work with Jeff on framing questions. Senator Nass said that another option is to have the legislature ask the courts for a formal opinion. Ideally, both would weigh in on the issue and validate the use of town involvement for this specific purpose.
  - Consider oversight board – A board was recommended as a way to provide oversight of decisions involving camp roads.
  - Look into possibly getting FEMA federal disaster funds – It was noted that currently road associations cannot get funds, but private entities can.
  - Raise public awareness about the impacts of roads on lakes. If more people are aware of the problem, there is a greater chance of action.
5. **Update on Road Standards** – The Road Standards Sub-Committee has been testing the road standards checklist and has made some revisions, including having the water quality section first. Some suggestions from the group were to include what the number of points would be for a road to have to be above to not be considered a violation of the Erosion and Sedimentation Control law and to encourage the use of bridges rather than culverts. Also, it was suggested to add manual or standard references to particular standards in the checklist to make cross-referencing easier, and to expand the front page information to include whether there is a road association, waterbody name, number of homes on the

road, GIS coordinates, if the lake is impaired, and who owns the road. This committee will continue to meet – contact Bill if interested in participating.

## **6. Next Steps**

- Maggie said that she would like to see a report with recommendations that are supported by the full group. The group agreed with this approach. Senator Nass and others agreed that a consensus-based report would carry more weight with the legislature.
- Don said that he can envision a way that the various ideas might fit together to form an effective package. For example, if road associations sign on to start working to meet DEP standards, they could become eligible for bond matching funds and also receive some protection from enforcement action under the ESC Law.
- Upcoming Schedule for Report to Legislature – Draft report planned to be ready for review in early November, report complete by early December, final report to Legislature in January.

## **7. Next meetings**

- September 18, 9:00- noon, DEP Response Conference Room
- October 15, 9:00 – noon, Elkins Training Room